



## Occupancy Permit Agreement Guidance

A building project has continued into the colder months (November to March) and some of the following items may not have been completed and/or cannot be completed due to weather conditions: vegetation and other landscaping has not yet been established, the required street trees have not been planted, and the driveway, parking lot, and/or sidewalks have not been installed. If this is the case the property owner will need to enter into an Occupancy Permit Agreement (Agreement) with the City of Goshen as stated in the Goshen Board of Works and Safety and Stormwater Resolution 2011-G.

The City Legal Department puts together the Agreement and the following information must be provided to the Goshen Stormwater Department, Attention: Jason Kauffman, for review and verification. Mr. Kauffman can be reached directly at 574-537-3832 or [jasonkauffman@goshencity.com](mailto:jasonkauffman@goshencity.com).

1. Complete name of property owner(s).
  - a. The Agreement must be signed by the Property Owner.
2. Address of building/construction site.
3. Address of property owner if different than #2.
4. The construction is substantially complete except for [fill in blank] to complete compliance with the Stormwater Construction Ordinance and Zoning Ordinance landscape regulations. This is a general description like, yard stabilization, installation of landscaping per approved landscape plan, installation of driveway and sidewalks... whatever needs to be done.
5. Description of work to be done by property owner. This is a more detailed description of what needs to be done in #4. What is the square footage of the area that will be stabilized in the spring (seed and mulch or equivalent)? What is the square footage of concrete left to be installed? What street trees and other landscaping still needs to be installed? Has the drive and sidewalks been inspected by the Engineering Department?
6. Estimated cost to complete the work in #5. This is the amount of the Surety that the property owner will have to provide. (This is to be calculated by the Applicant and the City for comparison.)
7. Date work is to be completed by is June 15<sup>th</sup>, 2020, but work should be completed as soon as possible. Optimum seeding dates are March 1<sup>st</sup> through May 10<sup>th</sup> and any stabilization work done after May 10<sup>th</sup> will need assistance (weather dependent).
8. Will any temporary measures (e.g. gravel drive) be installed? If yes, please describe them here and when they will be installed.

### Please Note:

- Agreements will **only be issued when weather conditions do not allow for all requirements to be completed**. Thus, the earliest an Agreement will be issued is during the month of November and the latest an Agreement will be issued is the last Board of Public Works and Safety Meeting before April 15<sup>th</sup>.
- **Two (2) copies of the Agreement must be returned with original signatures along with the required Surety.**

## **The Surety**

The Surety can be provided in the following ways:

- Surety bond
- Letter of credit from a bank
- Cash bond
- Cashier's check
- Trust check
- Cash deposit
- Escrow Account (this option is reviewed on a case by case basis and will require more than three weeks' notice to allow for proper review)

If a letter of credit from a bank is provided, it must contain the sample language found in the **“Sample Irrevocable Letter of Credit”** document, which can be requested, and it must be printed on the bank's letterhead.

Please note, if cash or check are submitted to cover the Surety they will be cashed and refunded once the required work has been adequately completed. Checks must be made payable to “The City of Goshen.” Additionally, if cash or check are submitted to cover the Surety the property owner will need to fill out and submit a W-9 tax form, which will help speed up the refund process when the work listed in the Agreement is adequately completed.

## **Board of Public Works and Safety and Stormwater Meeting**

Once the Agreement has been prepared and signed by the property owner, it will be taken to the next Board of Works meeting to be approved. An approved copy of the signed Agreement will be mailed to the property owner.

*Note: Two (2) copies of the Agreement must be signed by the Property Owner and provided, with original signatures, to the Stormwater Department. No scanned copies of the Agreement will be accepted.*

## **Delay in Completion of Work**

If weather conditions or other occurrences beyond the control of the Property Owner occur an extension of the Agreement deadline will be considered. An extension will be for no longer than necessary given the nature of the occurrence which caused the delay. For more information, see the completed Agreement.

## **Work has been Completed**

When the work listed in the Agreement is completed please notify the City Stormwater Department so a site inspection can be conducted. If the work meets the Goshen City drainage requirements, the Construction Site Stormwater Runoff Control Ordinance (#4328), and all applicable zoning ordinances and requirements, the City Stormwater Department will notify the City Legal Department so the Surety can be released/refunded.

### **Surety Release/Refund Process**

The process for the release of a line of credit from a bank or an escrow account with a bank is once the required work is completed and verified to meet the stabilization requirements by the City Stormwater Department, the City Legal Department will send a letter to the bank/insurance company holding the line of credit or escrow stating the City of Goshen releases all interest in the line of credit or escrow. A copy of the letter will be provided to the property owner.

The process for a check or cash to be refunded is as follows:

- 1) The work listed in the Agreement is completed and verified to meet the stabilization requirements by the City Stormwater Department.
- 2) Submit a claim for a refund by 4:00 pm Wednesday in order for the claim to go to the following Monday's Board of Public Works meeting for approval.
- 3) Once the claim is approved by the BOWs the City Clerk Treasurer will be notified and a refund check will be issued within 2-3 days after the BOW meeting.

The refund process will take approximately 1 ½ - 2 weeks.

### **Additional Information**

- 1) A properly stabilized yard is one that is covered in anchored straw mulch, hydromulch, anchored erosion control blanket, or sod.
- 2) **Please allow two to three weeks for the entire process to be completed. From the Legal Department putting together the Agreement to Board of Works approval.**

Revised March 2020